C. Remarks

The claims are 1, 10 and 14-22, with claims 1 and 22 being independent. Claims 4, 5, 12 and 13 have been cancelled without prejudice. Claims 1, 10 and 14-17 have been amended. More specifically, claim 1 has been amended to limit the liquid carrier to one made of water and a suspending agent, while claims 10 and 14-17 have been amended as to formal matters. All amendments are fully supported by the specification as originally filed; Applicants submit that no new matter has been added. Reconsideration of the present claims is respectfully requested.

Claims 1, 4, 5, 10, and 12-21 stand rejected under 35 U.S.C. §102(a) as being anticipated by Schroeder (WO 00/36924). Claim 22 stands rejected under 35 U.S.C. §103(a) as being obvious over Schroeder. Applicants respectfully traverse these rejections.

In one embodiment as now set forth in claim 1, the present invention is directed to a method for preparing a liquid composition of neotame in a liquid carrier in a ratio of up to 3:2, wherein the neotame is fully dissolved or suspended. The liquid carrier comprises water and a suspending agent; the suspending agent is necessarily selected from the group consisting of carboxymethyl cellulose, algin, gum arabic, carrageenan, xanthan gum, guar gum, tragancanth, hydroxypropyl methyl cellulose, methylcellulose, pectin, locust bean gum, sodium alginate, propylene glycol alginate, caramel and mixtures thereof. In a second embodiment as set forth in claim 22, the present invention is directed to a method for preparing a 30% by weight neotame in water composition, wherein the neotame is fully dissolved or suspended.

The cited Schroeder reference does not anticipate or render obvious either embodiment of the presently claimed invention. First, with regard to claim 1, Schroeder does not disclose or suggest mixing neotame in a liquid carrier (made of water and a suspending agent) in a ratio of up to 3:2; with regard to claim 22, Schroeder does not

disclose the formation of a 30% by weight neotame in water composition. Second, the passages relied on by the Examiner do not show otherwise. The passage at page 36, lines 11-23, of Schroeder is irrelevant; it discloses compositions comprising neotame and alcohols and/or oils; such compositions are not within the scope of the present invention - the liquid carrier must comprise at least water and a specifically recited suspending agent. In addition, in each of Examples 3, 4, 7 and 9 of Schroeder, at least one alcohol is used to achieve the liquid composition of neotame; the presently claimed invention does not include alcohol in the liquid carrier. What is more, the Examiner's notation that Schroeder teaches 0.5-20% by weight neotame in encapsulated or admixed compositions is irrelevant. The present invention is directed to liquid compositions, not admixed or encapsulated ones. Dissolution is a very different process from encapsulation.

Further, the Examiner alleges that claim 22 differs from Schroeder as to the recitation of 30% by weight and that, because Schroeder discloses that the amount of neotame can be readily formulated to provide a desired sweetness level, it would have been obvious to make a 30% by weight solution. The portion of Schroeder relied on by the Examiner reads as follows:

> The amount of neotame can be readily formulated to provide a desired sweetness level in chewing gum compositions. Page 24, lines 6-8.

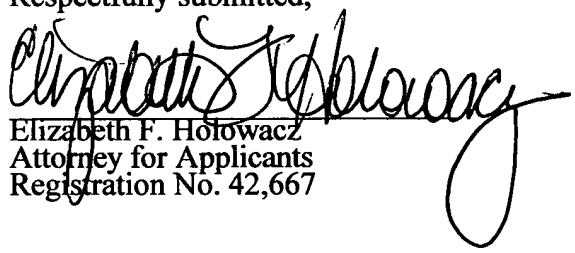
Aside from being open to an applicability limited to chewing gum, this passage provides no guidance whatsoever in the formulation of a liquid composition containing 30% by weight neotame. The passage merely suggests that one would choose to use an amount of neotame in chewing gum appropriate for the level of sweetness desired. There is no disclosure or suggestion of being able to dissolve that amount of neotame in water. In fact, the present invention's achievement of a 30% by weight aqueous solution of neotame is surprising. In no way is such a solution disclosed or suggested by Schroeder.

For all of the above reasons, Schroeder fails to anticipate or render obvious the present invention. Schroeder simply fails to disclose or suggest several key features of the present claims. Accordingly, Applicants respectfully request withdrawal of the prior art rejections based upon Schroeder.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance. Its entry is therefore believed proper under 37 C.F.R. §1.116. Accordingly, entry of this Amendment After Final Rejection, as an earnest attempt to advance prosecution, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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